

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case No. 2:07-cv-13670

Plaintiff,

HONORABLE ARTHUR TARNOW
MAGISTRATE DONALD A SCHEER

v.

HEALTHCARE AND RETIREMENT
CORPORATION OF AMERICA d/b/a
Heartland Health Care Center – Canton,

Defendant.

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL DISCOVERY IN PART**

On June 2, 2008, Plaintiff Equal Employment Opportunity Commission filed a Motion to Compel Discovery and to Modify the Scheduling Order. On June 26, 2008, the Court heard the parties' oral argument. Accordingly, the Court, having reviewed the parties' written submissions, having heard oral argument and being otherwise fully advised in the premises, it is hereby ordered, that Plaintiff's motion is GRANTED IN PART, as follows:

1. Within 21 days of the hearing, the Defendant shall produce a statement of its gross revenues and profits for 2006 and 2007, and shall identify a person with knowledge of the information contained in the statement;
2. The Plaintiff shall maintain the information contained in the statement as confidential and may only use it for purposes of preparing its case;
3. Defendant shall produce its corporate tax returns for 2006 and 2007 to Plaintiff when (a) the Court has ruled in plaintiff's favor on a motion for summary judgment, or (b) the

dispositive motion deadline has passed without a dispositive motion having been filed by Defendant;

4. Within 21 days of the hearing, the Defendant shall produce a revised privilege log comporting with the requirements of Fed. R. Civ. P. 26(b)(5), including a description of the nature of the document and communications not disclosed, and for each document for which it claims a privilege, Defendant shall set forth all of the elements of the privilege and make a factual showing as to how each element of the privilege is established by the document in question;.

5. Within 21 days of the hearing, Defendant shall produce all the incident reports related to its Canton, Michigan facility, redacted to protect patient confidentiality, for the patient assaults identified in its First Supplemental Response to Plaintiff's discovery dated May 30, 2008;

6. The discovery deadline is extended to forty-five (45) days from the day the Plaintiff receives the above documents.

7. The remaining pretrial and trial deadlines will be reset by the Court.

IT IS SO ORDERED.

Dated: July 14, 2008

s/Donald A. Scheer
Donald A. Scheer
United States Magistrate Judge

Agreed as to form:

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
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